

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 22-MC-62358-RUIZ/STRAUSS

SWISSDIGITAL USA CO., LTD,

Plaintiff,

v.

WENGER, S.A.,

Defendant.

ORDER

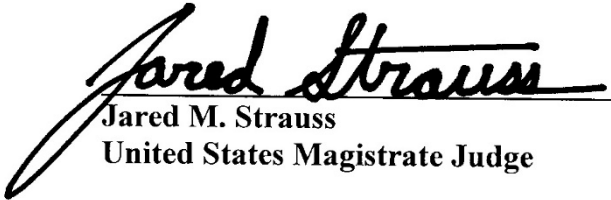
The Motion to Quash [DE 1] (“Motion”), filed by Group III, International, Inc. (“Petitioner”), seeks to quash a subpoena issued in connection with Case No. 6:21-cv-00453-ADA-DTG (W.D. Tex.) (“Texas Case”). The Motion argues first and foremost that judicial estoppel should apply to bar the subject subpoena. Petitioner’s judicial estoppel argument is premised upon representations allegedly made by Plaintiff (SwissDigital USA Co., LTD) to the district court in the Texas Case and to the Federal Circuit in connection with that case, as well as the alleged reliance of both courts on such representations. Based on the Motion and the arguments made therein, it appears that transferring this proceeding to the Western District of Texas would promote judicial economy and lead to the most efficient resolution of this dispute. That is because the resolution of the Motion turns on representations made in the Texas Case. The Western District of Texas court is in the best position to evaluate the context in which the representations were made, the extent to which that court relied on those representations in making its ruling, the extent to which the current subpoena runs contrary to those representations, and ultimately, whether judicial estoppel should prevent enforcement of the subpoena.

Under Fed. R. Civ. P. 45(f), this Court may transfer the Motion to the Western District of Texas if Petitioner (as the person subject to the subpoena) consents or if this Court finds exceptional circumstances. Therefore, it is **ORDERED** and **ADJUDGED** that:

1. By **December 20, 2022**, Petitioner shall file a notice indicating whether Petitioner consents to the transfer of this matter (i.e., the Motion) to the Western District of Texas.

2. If Petitioner does not consent, then by **December 21, 2022**, Petitioner shall file a memorandum of law addressing whether exceptional circumstances exist.

DONE and **ORDERED** in Fort Lauderdale, Florida, this 19th day of December 2022.


Jared M. Strauss
United States Magistrate Judge